

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: GELVIN et al.
Title: APPARATUS FOR INTERNETWORKED
WIRELESS INTEGRATED NETWORK
SENSORS (WINS)
Appl. No.: 09/684706
Filing Date: 10/4/2000
Examiner: Scott M. Sciacca
Art Unit: 2478
Confirmation 2275
Number:

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR
PATENT APPLICATION UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants have calculated PTA for the captioned patent application and have determined that the patent is entitled to 1479 days of Patent Term Adjustment, as shown on the attached sheet, which shows the relevant delays under 37 CFR §§1.702, 1.703 and 1.704:

(a) Total PTO delay: 1756 days

(b) Total Applicant delay: 277 days

Final PTA Determination under 37 CFR §1.703(f): 1479 days

In accordance with 1.705(b)(2)(ii), the relevant dates as specified in §§1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in § 1.703(f) to which the patent is entitled are clearly represented in the attached PTA Calculation.

The relevant dates where the applicant is not in agreement with the PTO's determination are discussed in more detail below.

The above discrepancy occurs as a result of the PTO's failure to include 760 days of additional PTA accumulated in applicant's favor based on the provisions of 37 C.F.R. §§ 1.702(b)(1) and 1.703(b)(1), wherein PTA begins to accumulate in applicant's favor on the day after the commencement of three years from the filing date.

A Request for Continued Examination was filed in the application prior to allowance, and Patent Term Adjustment accordingly stopped accruing under 37 C.F.R. §1.703(b) on 9/26/2006. This PTA component was accordingly "ripe" at the time of allowance and accordingly could have been incorporated into the PTO's determination of PTA.

37 C.F.R. §1.705(d) states that "Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues." As the above-identified issue could arguably be raised under paragraph (b), the applicant is filing this request for reconsideration under an abundance of caution, in the knowledge that the PTO does not include patent term adjustment resulting from 37 C.F.R. §1.703(b) in its PTA calculations at allowance, even if PTA has stopped accruing due to the filing of an RCE.

In accordance with §1.705(b)(2)(iv)(A), the circumstances during the prosecution of the application resulting in the patent that constitute a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704 are clearly represented in the attached PTA Calculation.

Applicants therefore respectfully request that the patent be accorded 1479 days PTA.

Fees in the amount of \$200.00 set forth in 37 C.F.R. § 1.18(e) to cover the fee for this request are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.705, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

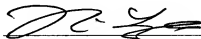
However, because this PTA error is due to a Patent Office error in interpreting and applying the PTA statute, a refund of the fee is respectfully requested.

Respectfully submitted,

Date January 23, 2012

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By

A handwritten signature in black ink, appearing to read 'N. Lagerwall', is written over a horizontal line.

Nicholas M. Lagerwall
Attorney for Applicant
Registration No. 63,272

Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 098688-5877

Application Number: N/A

Patent Number: N/A

	Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Edit Delete	Application Filing Date	10/04/2000	0		
Edit Delete	Notice to File Missing Parts	12/07/2000	64		
Edit Delete	Response to Notice to File Missing Parts	02/02/2001	121		
	14 month From Application date	12/04/2001	426		
	3 Year Period Starts	10/04/2003	1,095		
Edit Delete	Petition to Revive App. Accepted	11/08/2005	1,861		
Edit Delete	Non-Final Office Action Letter Restarting Period for Response	12/13/2005	1,896		
	Non-Final Office Action + 3 months	03/13/2006	1,986		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	06/09/2006	2,074		88
Edit Delete	Final Office Action	07/25/2006	2,120	(1694)	
	3 Year Period Stopped	09/25/2006	2,182	(1087) 1756	
Edit Delete	Request For Continued Examination (including amendment)	09/26/2006	2,183		
Edit Delete	Terminal Disclaimer Received at PTO	09/26/2006	2,183		
Edit Delete	Non-Final Office Action	11/03/2006	2,221		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	01/30/2007	2,309		
Edit Delete	Terminal Disclaimer Received at PTO	01/30/2007	2,309		
Edit Delete	Non-Final Office Action	03/07/2007	2,345		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	05/17/2007	2,416		
	Non-Final Office Action Rsp. Rcv'd at PTO + 4 mo	09/17/2007	2,539		
Edit Delete	Non-Final Office Action	10/19/2007	2,571		
	Non-Final Office Action + 3 months	01/19/2008	2,663		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	02/13/2008	2,688		25
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	Non-Final Office Action + 3 months	06/17/2008	2,813		
Edit Delete	Non-Final Office Action Rsp. Rcv'd at PTO	06/20/2008	2,816		3
Edit Delete	Non-Final Office Action	10/20/2008	2,938		

	Non-Final Office Action + 3 months	01/20/2009	3,030	
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Edit Delete	IDS Rcv'd at PTO - No Statement under 1.704(d)	05/19/2009	3,149	60
Edit Delete	Restriction Requirement	06/25/2009	3,186	
Edit Delete	Restriction Requirement Response Received at PTO	07/27/2009	3,218	
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Edit Delete	IDS Rcv'd at PTO - No Statement under 1.704(d)	12/02/2010	3,711	20
Edit Delete	Final Office Action	02/01/2011	3,772	
	IDS Rcv'd at PTO + 4 months	04/02/2011	3,832	
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Edit Delete	Non-Final Office Action	05/16/2011	3,876	
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	Projected Patent Grant Date	05/08/2012	4,234	
			Totals:	1756
			PTA:	1479
				277

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Version: 3.02.13

LOGIN: Linda Anderson

IP: 10.24.4.31

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